

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EXELIS, INC.,

Plaintiff,

-vs-

SRC, INC., JOHN F. LoSECCO, ANDREA M.  
BELMONT-GWILT, JAMES M. MARCINKOWSKI,  
ROBERT A. MARCEAU, MARK W. WEBB,  
ANTHONY G. CASALE, and MICHAEL J. SEAKAN,

Defendants.

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**ORDER TO  
SHOW CAUSE**

Civil Action No.  
5:12-cv-0858 GTS/TWD

Upon the Complaint dated May 24, 2012, the Affidavit of Elizabeth A. Wolford, Esq., sworn to on October 4, 2012, the Affidavit of Daniel J. Snell, sworn to October 4, 2012, the Affidavit of Thomas J. Payne, sworn to October 3, 2012, the Affidavit of John R. Clingerman, sworn to October 4, 2012, the Affidavit of Sarah Snyder Merkel, Esq., sworn to October 4, 2012, and Exhibits 1 through 56 attached thereto, and the accompanying Memorandum of Law in Support of Temporary Restraining Order and Preliminary Injunction submitted on behalf of Plaintiff Exelis, Inc. ("Plaintiff") and dated October 4, 2012, and all the prior pleadings and proceedings heretofore had herein, including Plaintiff's Motion for Temporary Restraining Order/Preliminary Injunction to Preserve Evidence and Provide Expedited Discovery [Docket No. 5], it is hereby

**ORDERED** that defendants SRC, Inc. (hereinafter "SRC"), John F. LoSecco, Andrea M. Belmont-Gwilt, James M. Marcinkowski, Robert A. Marceau, Mark W. Webb, Anthony G. Casale, and Michael J. Seakan (hereinafter collectively referred to as "Defendants") show cause before the Honorable Glenn T. Suddaby, United States

District Judge, at the United States District Court for the Northern District of New York, 100 South Clinton Street, Syracuse, NY 13261-7367, on the \_\_\_\_ day of October 2012, at \_\_\_\_ AM/PM, as to why an Order pursuant to Fed. R. Civ. P. 65, should not be entered granting Plaintiff's Motion for a Preliminary Injunction preventing SRC from using either directly or indirectly Plaintiff's trade secret, proprietary or confidential information, materials, documents or work product to prepare its response to an upcoming contract solicitation ("RFP") by the Air Force Research Laboratory/Rome Research Site ("AFRL") entitled Research, Enhancement and Development of Enterprise Cross Domain Solutions ("REDE-CDS"), preventing any of the individual defendants from being involved directly or indirectly with SRC's proposal in response to the REDE-CDS RFP, requiring any member of the SRC proposal team for REDE-CDS (including any team members or subcontractors) to certify that they have not been exposed, either directly or indirectly, to any Exelis bid or proposal information concerning REDE-CDS, and requiring Defendants to return to Exelis all documents, information and materials, originals and copies, in electronic or paper format, that have been misappropriated, taken or obtained from Exelis related to any of its work or programs, including but not limited to Information Server Security Environment ("ISSE"), Security And Workflow Enforcement Services ("SAWES"), or Secure Cross Domain Orchestration Engine ("SCORE"), and including but not limited to its capture strategy and bid information related to REDE-CDS, and granting such other and further relief as the Court deems appropriate, and it is further

**ORDERED** that pending the hearing and determination of the Motion for a Preliminary Injunction, Defendants are prevented from using either directly or indirectly Plaintiff's trade secret, proprietary or confidential information, materials, documents or work product to prepare its response to the REDE-CDS RFP, and the individual defendants are prevented from participating either directly or indirectly with SRC's proposal in response to the REDE-CDS RFP, and it is further

**ORDERED** that any and all papers submitted by Defendants in opposition to this Order to Show Cause, if any, shall be in writing and shall be filed with the Court and served electronically through the CM/ECF System on or before October \_\_\_\_, 2012, and it is further

**ORDERED** that any reply papers submitted on behalf of Exelis shall be filed and served electronically through the CM/ECF System on or before October \_\_\_\_, 2012.

Dated:        October \_\_\_\_, 2012

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Hon. Glenn T. Suddaby  
U.S.D.J.